

### **REMARKS**

These remarks are in response to the Final Office Action mailed August 7, 2003. Claims 13-15 have been canceled without prejudice to Applicants' right to prosecute the canceled subject matter in any divisional, continuation, continuation-in-part, or other application. Claims 1, 2, 4, and 6 have been amended. No new matter is believed to have been introduced. Applicants respectfully request reconsideration and allowance of the pending claims.

#### **I. OBJECTION TO CERTAIN CLAIMS**

Claims 2, 4, and 6 stand objected to because of certain formalities. The Examiner suggests amending the claims to recite "wherein the number of deleted, substituted, or added amino acids is between 2 and 10." Applicants have amended the claims as suggested by the Examiner. Accordingly, Applicants respectfully request withdrawal of the objection.

#### **II. REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

Claims 2, 4, and 6 stand rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection.

Applicants have amended claims 2, 4, and 6 to recite that the "one or more" is "two or more". Accordingly, Applicants respectfully request withdrawal of the §112, second paragraph rejection.

Claims 13, 14, and 15 stand rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite for recitation of hybridization conditions. The office action alleges that it is not clear due to the recitation of "included" whether other conditions are encompassed by the claims. Applicants have canceled claims 13, 14, and 15. Accordingly, Applicants respectfully request withdrawal of this rejection.

**III. REJECTION UNDER 35 U.S.C. §112, FIRST PARAGRAPH**

Claims 1-15 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skill in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse this rejection as applied to the amended claims.

Claim 1 has been amended to remove the recitation of "a DNA selected from the group consisting of". The Examiner indicates at page 7 of the office action that "Applicants have support for a disruption by a recombinant vector which contains a polyester polymerase gene, a  $\beta$ -ketothiolase gene and a NADPH-acetoacetyl CoA reductase gene." Accordingly, Applicants respectfully request withdrawal of the §112, first paragraph rejection.

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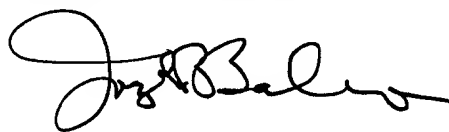
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